

Notice of Allowability

Application No.

10/016,852

Examiner

Cephia D. Toomer

Applicant(s)

RAST ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed October 13, 2004.
2. ☒ The allowed claim(s) is/are 1-12, 14, 51-53 and 57-84.
3. ☒ The drawings filed on 13 October 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 11/2/04
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. It should be noted that the substitute specification has been entered.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Rodger Rast on November 2, 2004.

The application has been amended as follows:

In claim 1, line 1, delete "user" and insert — consumer--.

In claim 1, line 12, delete "user" and insert — consumer--.

In claim 5, line 9, delete "user" and insert — consumer--.

In claim 12, line 3, delete "user" and insert — consumer--.

In claim 59, line 2, delete "user" and insert — consumer--.

In claim 63, line 14, delete "user" and insert — consumer--.

In claim 66 line 9, delete "user" and insert — consumer--.

In claim 71, line 9, delete "user" and insert — consumer--.

In claim 74, line 9, delete "user" and insert — consumer--.

In claim 79, line 9, delete "user" and insert — consumer--.

In claim 80, line 1, delete "improvement" and insert — manufactured firelog--.

Claim 83 (currently amended) A manufactured firelog having a selectable combustion rate, comprising:

a combustible material formed into a first and second separate complementary shape configured for arrangement in a nested combination during burning;

a flammable wrapper surrounding each complementary shape configured to allow nesting of the separately wrapped complementary shapes during burning;

wherein said separate complementary shapes comprises first and second separate firelog portions which can be arranged in a nested combination during burning;

wherein said first portion is smaller than said second portion;

wherein the first firelog portion can be burned separately to provide a first level of heat output and duration;

wherein the second firelog portion can be burned separately to provide a second level of heat output and duration;

wherein the first and second firelog portion can be burned in combination a nested configuration to provide a third level of heat output and duration; and

wherein the first and second firelog portion can be burned un-nested to provide a fourth level of heat output and duration.

3. The following is an examiner's statement of reasons for allowance: the closest prior art of record is cited on the PTO-1449 and PTO-892. The prior art fails to teach the claimed manufactured firelog containing a combustion shield comprising a fireproof or fire resistant material. The prior art also fails to teach or suggest the claimed

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manufactured firelog comprising separate complementary shapes configured for arrangement in a nested combination during burning.

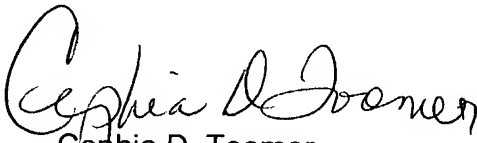
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cephia D. Toomer whose telephone number is 571-272-1126. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cephia D. Toomer
Primary Examiner
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